Remarks

Specification

The specification is objected to for several informalities. Each of these informalities is addressed by the amendments made herein. No new matter is added. These amendments to the specification overcome each of the separate objections raised by the office action. Reconsideration and allowance is requested.

Claims

Before this Amendment, claims 1-19 were pending.

Claims 1 and 7 are rejected under 35 U.S.C. § 112 as being indefinite in their use of the term "ACME" threads. That term is removed from claim 1, and claim 7 is canceled, so the section 112 rejection is overcome. Reconsideration and allowance are requested.

Claims 1, 5, 8, 9, and 12-17 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent no. 5,571,229 issued to Fitzsimmons, et al. ("Fitzsimmons"). Claims 2 and 6 are rejected under 35 U.S.C § 103(a) as being unpatentable over Fitzsimmons. Claims 3, 4, and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Fitzsimmons in view of U.S. Patent no. 3,685,237 issued to Johnson ("Johnson"). Claims 10 and 11 are rejected under 35 U.S.C § 103(a) as being unpatentable over Fitzsimmons in view of U.S. Patent no. 6,684,588 issued to Jones ("Jones"). Claim18 is are rejected under 35 U.S.C § 103(a) as being unpatentable over Fitzsimmons in view of Design News ("Product News: Latest Offering in the Engineering Marketplace." Design News 54.2 (1999):99.) ("Design News").

Claim 20 was previously withdrawn and is hereby canceled.

By this Amendment, claims 1, 5, 16, and 19 are amended. Claims 7 and 20 are canceled. New claims 21-27 are added. No new matter is added.

Claims 1-15, 21-24

Claim 1

As noted above, claim 1 has been amended to remove reference to the "ACME" threads and to thereby overcome the section 112 rejection. Additionally, claim 1 is amended to remove the limitation that the anchor be "corrosion resistant."

The remaining rejections of claim 1 are respectfully traversed. The cited references do not

teach or suggest a compression ring that is "disposed in the cavity" of the anchor. Fitzsimmons does not even teach the use of a separate compression ring. Instead, it uses tabs 38 that are integral to the ground sleeve body 28. The tabs 38 form the uppermost portion of the ground sleeve body 28 and cantilever into contact with a support pole 20 received in the cavity. Accordingly, the tabs 38 of Fitzsimmons are not "disposed in the cavity" – instead they form the cavity itself. The rejection is improper. Claim 1 is allowable as amended. Claims 2-15 and 21-24 depend from amended claim 1 and for this reason, and the other limitations they recite, are also allowable. Reconsideration and allowance of claims 1-15 and 21-24 are requested.

Claim 5

Dependent claim 5 is also amended for clarification purposes. Support for the amendments is found, for example, at pages 8-9 of the specification. Claim 5 depends from claim 1, which is amended. The amendments to claim 5 recite that the upper surface is substantially flat and that the upper surface of the body is the substantially flat upper rim. It further clarifies that both the upper rim and the upper surface are positioned to be substantially flush with the ground surface in which the anchor may be positioned. This aspect of the present invention allows the anchor to be flush with the ground surface when there is no support member positioned in the anchor. For example, the anchor may be used in applications on or near swimming pool decks to hold starting platforms, handrails, lifts, chairs, etc. When the anchor is not in use, it is desirable to not have a portion of the anchor protrude from the ground surface.

The cited references do not teach or suggest such flat surfaces or that such surfaces might be substantially flush with the ground surface. Fitzsimmons would not function if it were mounted flush with a ground surface, because Fitzsimmons requires tightening / loosening of a cap 30, which is external to the cavity of the support body 20. The cap 30 must, necessarily, be positioned above the ground surface as illustrated by Figure 1 of Fitzsimmons so that it may be tightened or loosened. Further, because Fitzsimmons protrudes above the ground surface, the cap 30 of Fitzsimmons is necessarily tapered inward to make the ground sleeve less protrusive when used with a basketball hoop.

As amended, dependent claim 5 is allowable. Reconsideration and allowance are requested.

Claims 21-24

New dependent claims 21-24 are added to more particularly claim the invention. Claims 21-24 each depend from amended independent claim 1. Support for these amendments is found,

for example, at pages 8-9 of the specification. The cited references do not teach or suggest the limitations of new claims 21-24.

Claim 21 recites that the wedge portion is disposed within the body cavity to tighten a compression ring around a support member, which is neither taught nor suggested by the cited references. Instead, Fitzsimmons uses a cap 30 positioned on the outside of the body 28. Fitzsimmons' cap 30 could not be "disposed within" the cavity because doing so would inhibit Fitzsimmons' ability to receive the support pole 20.

Claim 22 recites a tapered interior wall, which is neither taught nor suggested by the cited references. Instead, Fitzsimmons uses a cap 30 positioned on the outside of the body 28 to urge tabs 38 to cantilever toward the support pole 20. Fitzsimmons' ground sleeve would not function if it included a tapered interior wall. To hold a support pole of uniform diameter, as disclosed by Fitzsimmons, the cavity must necessarily have a uniform diameter of a complementary size. A tapered interior cavity wall would make the ground sleeve unstable by allowing greater movement between the support pole and the sleeve.

Claim 23 recites that the compression ring moves laterally relative to a longitudinal axis. The cited references also do not teach or suggest a compression ring that moves laterally relative to the longitudinal axis of the body cavity. The tabs 38 of Fitzsimmons cantilever toward the support pole, but do not move laterally – and could not move laterally because they are integral to the body 20.

Claim 24 recites that the compression ring is a contiguous piece of material that is separate from the body and encircles the received support member. The cited references do not teach or suggest a separate or contiguous compression ring. Instead, Fitzsimmons uses separate tabs 38 that are integral to the body 28 to contact the received support pole 20. Because the tabs 38 of Fitzsimmons are integral to the body 28, they would not function if they were contiguous. They must be separate in order to allow space between tabs 38 so that the individual tabs may deflect inward toward the support pole 20.

Claim 16-18

Independent claim 16 is amended to recite that the compression ring and the means for releasably securing the support member are both disposed within the means for receiving the support member and that the compression ring compresses as it moves laterally relative along a longitudinal axis of the anchor in response to movement of the means for releaseably securing.

Support for this amendment is found, for example, at pages 8-9 of the specification.

The cited references do not teach or suggest the elements of amended claim 16. Specifically, the cited references do not teach or suggest a compression ring that is "disposed within the means for receiving" the support member. Instead, Fitzsimmons uses tabs 38 that are integral to the body and are not disposed within the cavity of Fitzsimmons.

The cited references also do not teach or suggest a means for releasably securing the compression anchor that is disposed within the means for receiving. Instead, Fitzsimmons uses a cap 30 positioned on the outside of the body 28. Fitzsimmons' cap 30 could not be "disposed within" the cavity because doing so would inhibit receiving the support pole 20.

The cited references also do not teach or suggest a compression ring that moves laterally relative to the longitudinal axis of a means for receiving a support member. The tabs 38 of Fitzsimmons cantilever toward the support pole, but do not move laterally – and could not move laterally because they are integral to the body 20.

As amended, independent claim 16 is allowable. Claims 17 and 18 depend from claim 16 and for this reason, and the other limitations they recite, are also allowable. Reconsideration and allowance of claims 16-18 are requested.

Claim 19, 27

Independent claim 19 is amended to recite that the wedge portion is disposed within the cavity of the body. The cited references do not teach or suggest a wedge portion positioned within the cavity of the body of the anchor. The cap 30 of Fitzsimmons is positioned outside of the body 20. Fitzsimmons' cap could not be positioned within the cavity, because it would impede reception of the support pole 20. Further, doing so would not allow the tabs 38 to deflect inward toward the support pole 20 as designed. As amended, claim 19 is allowable. Reconsideration and allowance of claim 19 are requested.

New claim 27 is added to more particularly claim the invention. Support for new claim 27 is found, for example, at pages 8-9 of the specification. Claim 27 is allowable because it depends from amended claim 19, and because of the other limitations it recites. Reconsideration is requested.

Claims 25-26

New independent claim 25 is added and is a combination of original dependent claim 3

incorporated into original independent claim 1. Original dependent claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzsimmons in view of Johnson. The Office Action concludes that it would be obvious to add the holes of Johnson to the upper rim of Fitzsimmons. Respectfully, this rejection is traversed.

The combination of Fitzsimmons and Johnson is improper because one skilled in the art would have no motivation to combine the features of these two references. The references come from entirely different fields of art. Fitzsimmons relates to a ground sleeve for supporting a tubular column, such as the present invention. It creates a sleeve that may be partially buried in concrete or other ground surface to receive a pole, such as the basketball hoop pole shown in Fitzsimmons FIG. 1. In sharp contrast, Johnson discloses a brittle, subterranean property boundary marker designed to break at pre-determined points if bulldozed or excavated by accident. Johnson uses a spacers 64 to adjust its height. The spacers are designed to rust together with the cap 62, and the holes 90, 92 receive an impact wrench for separating the spacers 64 and cap 62. The cited references neither teach nor suggest combining the features of Johnson's boundary marker with Fitzsimmons' basketball hoop ground sleeve. The rejection is improper.

Further, the cited references specifically teach against combining the holes 90, 92 of the cap 62 of Johnson's property boundary marker with Fitzsimmons' basketball hoop ground sleeve. In order to function as asserted by the Office Action, the holes 90, 92 of Johnson's property boundary marker would have to be positioned in an upper surface of Fitzsimmons' cap 30. As described, the Fitzsimmons' cap 30 barely even includes an upper surface, let alone a surface that could be adapted to include holes 90, 92 as described in Johnson's property boundary marker. The upper portion of Fitzsimmons' cap 30 includes a "radially inwardly tapered portion 72" that tapers toward the support pole 20 of the basketball hoop that is received in the sleeve 16. Because Fitzsimmons sleeve 16 is designed support a basketball goal, the dimensions of Fitzsimmons' cap 30 are necessarily so small that they preclude the use of holes in the upper surface of the cap 30 as a means of adjusting the cap 30. It would be impossible to modify the cap 30 of Fitzsimmons to include the holes 90, 92 of Johnson in the upper surface. Accordingly, the rejection of original claim 3 is improper. New claim 25 includes the limitations of original claim 3 and for this reason is likewise allowable.

New dependent claim 26 is added to more particularly claim the invention. Support for new claim 26 is found, for example, at pages 8-9 of the specification. Because new claim 26 depends from new claim 25, and the other limitations it recites, claim 26 is also allowable. Reconsideration and allowance of claims 25-26 are requested.

Conclusion

Based upon the above amendments and remarks, Applicant respectfully submits that this application is condition for allowance. Applicant requests reconsideration and allowance of claims 1-6, 8-19, and 21-27.

This Response should generate additional claims fees of $125 (5 new total claims at $25 each, plus 0 new independent claims at $100 each). Additionally, this reply is filed within one (1) month after the shortened statutory period, so a petition for 1-month extension is enclosed herewith and the Patent Office is authorized to charge the $60 fee for a 1-month extension. The Patent Office is hereby authorized to charge these fees, as well as any other associated with this communication, to Deposit Account No. 08-2623.

Respectfully submitted,

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